IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

United States of America,)				
	Plaintiff,) 8:09MJ20)		
	VS.) DETENTION ORDER)		
Ro	berto Camacho-Gutierrez,))		
	Defendant.	,		
A.	Order For Detention After the defendant waived a detention he the Bail Reform Act, the Court orders the apursuant to 18 U.S.C. § 3142(e) and (i).			
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 			
C.	is a serious crime and ca imprisonment. (b) The offense is a crime of _X_ (c) The offense involves a n	ervices Report, and includes the following: e offense charged: o possess with intent to distribute cocaine arries a maximum penalty of 40 years f violence.		
	may affect whet	<u> </u>		

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		The defendant has no steady employment.			
		The defendant has no substantial financial resources.			
		The defendant is not a long time resident of the community.			
		The defendant does not have any significant community			
		ies.			
	F	Past conduct of the defendant:			
	-				
	=				
	7	 The defendant has a history relating to drug abuse.			
		The defendant has a history relating to alcohol abuse.			
		The defendant has a significant prior criminal record.			
	7	The defendant has a prior record of failure to appear at			
		court proceedings.			
(b)		ne of the current arrest, the defendant was on:			
		Probation			
		Palogo panding trial contange, appeal or completion of			
		Release pending trial, sentence, appeal or completion of sentence.			
(c)	Other Fa				
(-7		The defendant is an illegal alien and is subject to			
		deportation.			
	7	The defendant is a legal alien and will be subject to			
		deportation if convicted.			
		The Bureau of Immigration and Customs Enforcement			
		(BICE) has placed a detainer with the U.S. Marshal.			
	<u>X</u> (Other: No interview with Pretrial Services			
	_				
	_				
(4) The na	ature and	seriousness of the danger posed by the defendant's			
releas	e are as fo	ollows:			
X (5) Rebut	table Pre	sumptions			
X (5) Rebuttable Presumptions In determining that the defendant should be detained, the Court also					
	_	lowing rebuttable presumption(s) contained in 18 U.S.C.			
§ 3142(e) which the Court finds the defendant has not rebutted:					
X (a) That no condition or combination of conditions will reasonably					
assure the appearance of the defendant as required and the					
safety of any other person and the community because the Court					
		the crime involves:			
		(1) A crime of violence; or(2) An offense for which the maximum penalty is life			
	(imprisonment or death; or			

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	X (3)	A controlled substance violation which has a maximum penalty of 10 years or more; or
	(4)	A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, <u>and</u> the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release.
X (b)	assure the a safety of the probable ca	dition or combination of conditions will reasonably appearance of the defendant as required and the community because the Court finds that there is use to believe: That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.
	(2)	That the defendant has committed an offense under

D. Additional Directives

DEMENITION ODDED D

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

dangerous weapon or device).

- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: January 28, 2009.

BY THE COURT:

s/ F. A. Gossett United States Magistrate Judge

18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or